

**Executive Summary – Enforcement Matter – Case No. 46300**  
**CITGO Refining and Chemicals Company L.P.**  
**RN102555166**  
**Docket No. 2013-0411-AIR-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

**Media:**

AIR

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Citgo Corpus Christi Refinery East Plant, 1801 Nueces Bay Boulevard, Corpus Christi, Nueces County

**Type of Operation:**

Petroleum refinery

**Other Significant Matters:**

Additional Pending Enforcement Actions: Yes, Docket No. 2012-1799-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** August 9, 2013

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$8,000

**Amount Deferred for Expedited Settlement:** \$0

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$8,000

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2011

**Executive Summary – Enforcement Matter – Case No. 46300**  
**CITGO Refining and Chemicals Company L.P.**  
**RN102555166**  
**Docket No. 2013-0411-AIR-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** October 2, 2012

**Date(s) of NOE(s):** February 7, 2013

***Violation Information***

1. Failed to prevent unauthorized emissions. Since this emission event was not properly reported, Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [Federal Operating Permit ("FOP") No. 01423, Special Terms and Conditions No. 31, New Source Review Permit No. 3119A, Special Conditions No. 1, 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to report Incident No. 166840 with 24 hours after discovery [FOP No. 01423, Special Terms and Conditions No. 2.F., 30 TEX. ADMIN. CODE §§ 101.201(a)(1)(B) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require Respondent to:

- a. Within 30 days:
  - i. Implement measures and procedures to prevent the recurrence of emissions events due to similar causes as Incident No. 166840; and
  - ii. Implement measures and procedures to ensure emissions events are properly reported.
- b. Within 45 days, submit written certification demonstrating compliance with Ordering Provision a.

***Litigation Information***

**Date Petition(s) Filed:** N/A

**Date Answer(s) Filed:** N/A

**SOAH Referral Date:** N/A

**Executive Summary – Enforcement Matter – Case No. 46300**  
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**RN102555166**  
**Docket No. 2013-0411-AIR-E**

**Hearing Date(s):** N/A  
**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Rebecca Johnson, Enforcement Division,  
Enforcement Team 5, MC R-14, (361) 825-3423; Candy Garrett, Enforcement Division,  
MC 219, (512) 239-1456

**TCEQ SEP Coordinator:** N/A

**Respondent:** Arthur Loudon, Vice President, CITGO Refining and Chemicals  
Company L.P., P.O. Box 9176, Corpus Christi, Texas 78469

**Respondent's Attorney:** N/A





# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	11-Feb-2013	<b>Screening</b>	21-Feb-2013	<b>EPA Due</b>	4-Nov-2013
	<b>PCW</b>	21-Feb-2013				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	CITGO Refining and Chemicals Company L.P.				
<b>Reg. Ent. Ref. No.</b>	RN102555166				
<b>Facility/Site Region</b>	14-Corpus Christi	<b>Major/Minor Source</b>	Major		

## CASE INFORMATION

<b>Enf./Case ID No.</b>	46300	<b>No. of Violations</b>	2
<b>Docket No.</b>	2013-0411-AIR-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Rebecca Johnson
		<b>EC's Team</b>	Enforcement Team 5
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$4,000**

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** **100.0%** Enhancement **Subtotals 2, 3, & 7** **\$4,000**

**Notes** Enhancement for two NOV's with dissimilar violations, six orders with denial of liability, and three orders without denial of liability. Reduction for three Notices of Intent to conduct an audit.

**Culpability** **No** **0.0%** Enhancement **Subtotal 4** **\$0**

**Notes** The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5** **\$0**

**Economic Benefit** **0.0%** Enhancement\* **Subtotal 6** **\$0**

Total EB Amounts **\$202**  
Approx. Cost of Compliance **\$2,500**  
\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$8,000**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

**Final Penalty Amount** **\$8,000**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$8,000**

**DEFERRAL** **0.0%** Reduction **Adjustment** **\$0**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**

No deferral is recommended for Findings Orders.

**PAYABLE PENALTY** **\$8,000**

Screening Date 21-Feb-2013

Docket No. 2013-0411-AIR-E

PCW

Respondent CITGO Refining and Chemicals Company L.P.

Policy Revision 3 (September 2011)

Case ID No. 46300

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102555166

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	6	120%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	3	75%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	3	-3%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 196%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

## Compliance History Notes

Enhancement for two NOVs with dissimilar violations, six orders with denial of liability, and three orders without denial of liability. Reduction for three Notices of Intent to conduct an audit.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 196%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 100%

Screening Date 21-Feb-2013

Docket No. 2013-0411-AIR-E

PCW

Respondent CITGO Refining and Chemicals Company L.P.

Policy Revision 3 (September 2011)

Case ID No. 46300

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102555166

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Violation Number 1

Rule Cite(s)

Federal Operating Permit ("FOP") No. 01423, Special Terms and Conditions No. 31, New Source Review Permit No. 3119A, Special Conditions No. 1, 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,585.02 pounds ("lbs") of sulfur dioxide and 57.09 lbs of hydrogen sulfide from the East Plant Sulfur Recovery Unit Incinerator during an emissions event (Incident No. 166840) that started on March 24, 2012 and lasted 2 hours. The emissions event occurred when a rupture disk failed and allowed gases to bypass the Sulfur Recovery's Shell Claus Offgas Treatment and enter the incinerator. Since this emissions event was not properly reported, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 15.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

## Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV		NOV to EDPRP/Settlement Offer
	Extraordinary	Ordinary	
N/A	x		(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$3,750

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$162

Violation Final Penalty Total \$7,500

This violation Final Assessed Penalty (adjusted for limits) \$7,500

# Economic Benefit Worksheet

**Respondent** CITGO Refining and Chemicals Company L.P.  
**Case ID No.** 46300  
**Reg. Ent. Reference No.** RN102555166  
**Media** Air  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,000	24-Mar-2012	4-Nov-2013	1.62	\$162	n/a	\$162

Notes for DELAYED costs

Estimated cost to implement measures and procedures designed to prevent the recurrence of similar emissions events. The Date Required is the date of the emissions event. The Final Date is the date corrective actions are expected to be completed.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$162



Screening Date 21-Feb-2013

Docket No. 2013-0411-AIR-E

PCW

Respondent CITGO Refining and Chemicals Company L.P.

Policy Revision 3 (September 2011)

Case ID No. 46300

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102555166

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Violation Number 2

Rule Cite(s)

FOP No. 01423, Special Terms and Conditions No. 2.F., 30 Tex. Admin. Code §§ 101.201(a)(1)(B) and 122.143(4), and Tex. Health &amp; Safety Code § 382.085(b)

Violation Description

Failed to report Incident No. 166840 within 24 hours after discovery. Specifically, the emissions event was discovered on March 24, 2012 at 8:40 p.m. and was not reported until April 5, 2012 at 12:09 p.m.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
			X

Percent 1.0%

Matrix Notes

The Respondent failed to comply with less than 30% of the rule requirements.

Adjustment \$24,750

\$250

## Violation Events

Number of Violation Events 1

11 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$250

One single event is recommended.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$250

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$40

Violation Final Penalty Total \$500

This violation Final Assessed Penalty (adjusted for limits) \$500

# Economic Benefit Worksheet

**Respondent** CITGO Refining and Chemicals Company L.P.  
**Case ID No.** 46300  
**Reg. Ent. Reference No.** RN102555166  
**Media** Air  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	25-Mar-2012	4-Nov-2013	1.61	\$40	n/a	\$40

Notes for DELAYED costs

Estimated cost to implement measures and procedures designed to ensure emissions events are properly reported. The Date Required is the date the initial notification was due. The Final Date is the date corrective actions are expected to be completed.

## Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

**TOTAL**

\$40



# Compliance History Report

**PUBLISHED** Compliance History Report for CN600127922, RN102555166, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

<b>Customer, Respondent, or Owner/Operator:</b>	CN600127922, CITGO Refining and Chemicals Company L.P.	<b>Classification:</b> SATISFACTORY	<b>Rating:</b> 14.55
<b>Regulated Entity:</b>	RN102555166, CITGO CORPUS CHRISTI REFINERY EAST PLANT	<b>Classification:</b> SATISFACTORY	<b>Rating:</b> 23.01
<b>Complexity Points:</b>	34	<b>Repeat Violator:</b>	NO
<b>CH Group:</b>	02 - Oil and Petroleum Refineries		
<b>Location:</b>	1801 NUECES BAY BLVD CORPUS CHRISTI, TX 78407-2221, NUECES COUNTY		
<b>TCEQ Region:</b>	REGION 14 - CORPUS CHRISTI		

## ID Number(s):

**INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50160**

**INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 30532**

**AIR NEW SOURCE PERMITS PERMIT 2697A**  
**AIR NEW SOURCE PERMITS PERMIT 2700A**  
**AIR NEW SOURCE PERMITS PERMIT 2704A**  
**AIR NEW SOURCE PERMITS PERMIT 2706A**  
**AIR NEW SOURCE PERMITS PERMIT 3119A**  
**AIR NEW SOURCE PERMITS PERMIT 3390A**  
**AIR NEW SOURCE PERMITS PERMIT 5418A**  
**AIR NEW SOURCE PERMITS PERMIT 8653A**  
**AIR NEW SOURCE PERMITS REGISTRATION 10733A**  
**AIR NEW SOURCE PERMITS PERMIT 2709A**  
**AIR NEW SOURCE PERMITS PERMIT 19044**  
**AIR NEW SOURCE PERMITS PERMIT 21303**  
**AIR NEW SOURCE PERMITS PERMIT 21706**  
**AIR NEW SOURCE PERMITS PERMIT 22418**  
**AIR NEW SOURCE PERMITS REGISTRATION 28092**  
**AIR NEW SOURCE PERMITS REGISTRATION 42533**  
**AIR NEW SOURCE PERMITS PERMIT 46641**  
**AIR NEW SOURCE PERMITS PERMIT 46642**  
**AIR NEW SOURCE PERMITS ACCOUNT NUMBER NE0027V**  
**AIR NEW SOURCE PERMITS REGISTRATION 10309**  
**AIR NEW SOURCE PERMITS AFS NUM 4835500003**  
**AIR NEW SOURCE PERMITS REGISTRATION 90292**  
**AIR NEW SOURCE PERMITS REGISTRATION 54775**  
**AIR NEW SOURCE PERMITS PERMIT 72654**  
**AIR NEW SOURCE PERMITS REGISTRATION 75340**  
**AIR NEW SOURCE PERMITS REGISTRATION 76930**  
**AIR NEW SOURCE PERMITS REGISTRATION 76742**  
**AIR NEW SOURCE PERMITS REGISTRATION 76883**  
**AIR NEW SOURCE PERMITS REGISTRATION 77680**  
**AIR NEW SOURCE PERMITS REGISTRATION 77050**  
**AIR NEW SOURCE PERMITS REGISTRATION 78541**  
**AIR NEW SOURCE PERMITS REGISTRATION 78851**  
**AIR NEW SOURCE PERMITS REGISTRATION 79234**  
**AIR NEW SOURCE PERMITS REGISTRATION 80407**  
**AIR NEW SOURCE PERMITS REGISTRATION 80521**  
**AIR NEW SOURCE PERMITS REGISTRATION 83336**  
**AIR NEW SOURCE PERMITS REGISTRATION 83882**  
**AIR NEW SOURCE PERMITS REGISTRATION 86253**

**INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD051161990**

**AIR NEW SOURCE PERMITS PERMIT 2695A**

**AIR NEW SOURCE PERMITS PERMIT 2699A**  
**AIR NEW SOURCE PERMITS PERMIT 2703A**  
**AIR NEW SOURCE PERMITS PERMIT 2705A**  
**AIR NEW SOURCE PERMITS PERMIT 2708A**  
**AIR NEW SOURCE PERMITS PERMIT 3123A**  
**AIR NEW SOURCE PERMITS PERMIT 3857A**  
**AIR NEW SOURCE PERMITS PERMIT 6722A**  
**AIR NEW SOURCE PERMITS PERMIT 9604A**  
**AIR NEW SOURCE PERMITS REGISTRATION 12005A**  
**AIR NEW SOURCE PERMITS PERMIT 4979A**  
**AIR NEW SOURCE PERMITS PERMIT 20156**  
**AIR NEW SOURCE PERMITS PERMIT 21358**  
**AIR NEW SOURCE PERMITS PERMIT 22312**  
**AIR NEW SOURCE PERMITS REGISTRATION 23834**  
**AIR NEW SOURCE PERMITS REGISTRATION 30099**  
**AIR NEW SOURCE PERMITS PERMIT 46637**  
**AIR NEW SOURCE PERMITS PERMIT 46640**  
**AIR NEW SOURCE PERMITS REGISTRATION 49265**  
**AIR NEW SOURCE PERMITS PERMIT 6748**  
**AIR NEW SOURCE PERMITS REGISTRATION 56720**  
**AIR NEW SOURCE PERMITS REGISTRATION 71021**  
**AIR NEW SOURCE PERMITS REGISTRATION 53921**  
**AIR NEW SOURCE PERMITS EPA PERMIT PSDTX653M1**  
**AIR NEW SOURCE PERMITS REGISTRATION 74376**  
**AIR NEW SOURCE PERMITS EPA PERMIT PSDTX831**  
**AIR NEW SOURCE PERMITS REGISTRATION 76737**  
**AIR NEW SOURCE PERMITS REGISTRATION 76880**  
**AIR NEW SOURCE PERMITS REGISTRATION 77066**  
**AIR NEW SOURCE PERMITS REGISTRATION 77094**  
**AIR NEW SOURCE PERMITS REGISTRATION 78081**  
**AIR NEW SOURCE PERMITS REGISTRATION 78522**  
**AIR NEW SOURCE PERMITS REGISTRATION 78195**  
**AIR NEW SOURCE PERMITS REGISTRATION 79760**  
**AIR NEW SOURCE PERMITS PERMIT 80693**  
**AIR NEW SOURCE PERMITS PERMIT 80801**  
**AIR NEW SOURCE PERMITS REGISTRATION 83016**  
**AIR NEW SOURCE PERMITS REGISTRATION 83913**  
**AIR NEW SOURCE PERMITS REGISTRATION 91706**

AIR NEW SOURCE PERMITS REGISTRATION 92382

AIR NEW SOURCE PERMITS PERMIT 103666

AIR OPERATING PERMITS PERMIT 1423

WASTEWATER EPA ID TX0006211

AIR EMISSIONS INVENTORY ACCOUNT NUMBER NE0027V

AIR NEW SOURCE PERMITS REGISTRATION 91621

AIR OPERATING PERMITS ACCOUNT NUMBER NE0027V

WASTEWATER PERMIT WQ0000467000

IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION #  
(SWR) 30532

POLLUTION PREVENTION PLANNING ID NUMBER P00139

**Compliance History Period:** September 01, 2007 to August 31, 2012 **Rating Year:** 2012 **Rating Date:** 09/01/2012

**Date Compliance History Report Prepared:** February 21, 2013

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** February 21, 2008 to February 21, 2013

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**

**Name:** Rebecca Johnson

**Phone:** (361) 825-3423

### **Site and Owner/Operator History:**

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? YES
- 3) If YES for #2, who is the current owner/operator? CITGO Refining and Chemicals Company L.P.
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? Citgo Petroleum Corporation, OWNER OPERATOR, 4/26/1976 to 8/3/2011
- 5) If YES, when did the change(s) in owner or operator occur? 8/3/2011

### **Components (Multimedia) for the Site Are Listed in Sections A - J**

#### **A. Final Orders, court judgments, and consent decrees:**

- 1 Effective Date: 06/15/2009 ADMINORDER 2008-1793-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: 9604A / Special Condition No. 1 PA  
Description: Failed to prevent unauthorized emissions.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: [FOP No. O-1423] STC 2 OP  
Description: Failed to submit a final emissions event report within two weeks after the end of the event (Incident No. 111222). Specifically, the event occurred and ended on July 16, 2008 and the report was due by July 30, 2008, but was not submitted until July 31, 2008.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: [3390A] SC 1 & MAERT PERMIT  
[9604A/PSD-TX-653] SC 1 & MAERT PERMIT  
[FOP No. O-1423] STC 31 OP  
FOP No. O-01423, SC 1.A. PERMIT  
Description: Failed to prevent unauthorized emissions and to limit opacity to 20 percent.  
Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.211(b)(1)(H)  
30 TAC Chapter 101, SubChapter F 101.211(b)(1)(I)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

**Published Compliance History Report for CN600127922, RN102555166, Rating Year 2012 which includes Compliance History (CH) components from February 21, 2008, through February 21, 2013.**

Description: Failed to list all compounds and total quantities associated with a startup activity.

- 2      Effective Date: 08/23/2009      ADMINORDER 2002-0290-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)  
5C THSC Chapter 382 382.085(b)  
Description: Failure to notify TNRCCs regional office within 24 hours after the discovery of two upset events, both of which occurred on August 8, 2001.  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
Rqmt Prov: Not specified PERMIT  
Description: Failure to obtain regulatory authority or meet the description requirements for upset emissions resulting from two separate events which occurred on August 8, 2001.  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
5C THSC Chapter 382, SubChapter A 382.085(b)  
Description: Failure to demonstrate compliance with the Maximum Allowable Emission Rate of Permit No. 3123A. Specifically, the CO Boiler failed to demonstrate compliance with the Carbon Monoxide emission rate, as demonstrated in a compliance test conducted on January 30, 2004.  
Classification: Major  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: Special Condition 1 PERMIT  
Description: Failure to satisfy all demonstration criteria as listed under 30 TAC § 101.222 or comply with the allowable emission rates specified in the Maximum Allowable Emission Rate Table during the emissions event which occurred on May 26, 2004.
- 3      Effective Date: 08/23/2009      ADMINORDER 2004-1279-AIR-E (Findings Order-Agreed Order Without Denial)  
Classification: Major  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 111, SubChapter A 111.111(a)(1)(C)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.102(a)(2)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.103(a)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: Special Condition 1 PERMIT  
Special Conditions 1 ,8 ,11, 15 PERMIT  
Description: Failed to prevent unauthorized emissions from the No. 2 FCCU on October 28, 2003.
- 4      Effective Date: 08/31/2009      ADMINORDER 2008-1193-AIR-E (Findings Order-Agreed Order Without Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: 3119A PERMIT  
Description: Failed to prevent unauthorized emissions.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)  
5C THSC Chapter 382 382.085(b)  
Description: Failed to submit the initial notification of Incident No. 102832 within 24 hours of discovery.  
Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)  
30 TAC Chapter 101, SubChapter F 101.201(c)  
30 TAC Chapter 101, SubChapter F 101.201(g)  
5C THSC Chapter 382 382.085(b)  
Description: Failed to list all compounds and quantities associated with Incident No. 102832 in the final report.
- 5      Effective Date: 08/31/2009      ADMINORDER 2008-0273-IHW-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 335, SubChapter A 335.4  
Description: Failure to prevent the discharge of industrial solid waste.

Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.6

Description: Failure to comply with notification requirements.

Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.10(b)

30 TAC Chapter 335, SubChapter A 335.10(d)(1)

40 CFR Chapter 262, SubChapter I, PT 262, SubPT B 262.20(a)

40 CFR Chapter 262, SubChapter I, PT 262, SubPT B 262.23(a)

Description: Failure to comply with manifesting requirements.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A)

30 TAC Chapter 335, SubChapter E 335.112(a)(8)

40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(i)

40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.171

Description: Failure to maintain a hazardous waste container in good condition.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A)

30 TAC Chapter 335, SubChapter E 335.112(a)(8)

40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(i)

40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.173(b)

Description: Failure to properly manage a hazardous waste container.

Classification: Moderate

Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.15(d)

Description: Failure to conduct inspections of hazardous waste containers.

6 Effective Date: 09/21/2009 ADMINORDER 2009-0622-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: TCEQ NSR Permit No 46640, SC 1 PERMIT

Description: The Respondent is alleged to have failed to prevent unauthorized emissions during Incident No. 117669.

7 Effective Date: 10/04/2009 ADMINORDER 2008-0837-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.4

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

5C THSC Chapter 382 382.085(a)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Condition 8 PA

Description: Failed to prevent the release of air contaminants in such concentration and such duration as to interfere with the normal use and enjoyment of property. Specifically, during a four hour emissions event involving a pipe leak from emission point number F290 which occurred on February 22, 2008, approximately 280.2 pounds ("lbs") of volatile organic compounds, 39.4 lbs of hazardous air pollutants, and 35 lbs of particulate matter (flashed crude oil) were dispersed over a residential area of 1.25 s

8 Effective Date: 02/05/2011 ADMINORDER 2010-1150-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: NSR 9604A - SC 1 PA

Description: Failed to prevent unauthorized emissions during Incident No. 135901. Specifically, during the February 16, 2010 emissions event, 14,767 pounds ("lbs") of unauthorized volatile organic compound emissions, including 1,842 lbs of hazardous air pollutants, were released to the atmosphere over a period of 52 minutes when Tank 1016 was over-filled due to a faulty gauge level reading. Since the emissions event could have been avoided through better operational practices, the demonstration criteria fo

9 Effective Date: 03/07/2011 ADMINORDER 2009-1714-MLM-E (Findings Order-Agreed Order Without Denial)

Classification: Major

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Eff. Limit. and Mon. Req. No.1 PERMIT

Description: Failed to meet the permitted effluent limitation for fluoride at Outfall 001.

Classification: Major

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Eff. Limit. Outfall 004 authorizations PERMIT

Description: Failed to prevent the unauthorized discharge of wastewater through Outfall 004.

Classification: Major

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(8)

Rqmt Prov: Permit Conditions 2(e) PERMIT

Description: Failed to obtain authorization from the Commission prior to beginning an activity which resulted in noncompliance with a permit condition.

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Permit Cond. No. 2.g PERMIT

Description: Failed to prevent the unauthorized discharge of process wastewater into or adjacent to water in the state.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)  
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)  
5C THSC Chapter 382 382.085(b)

Description: Failed to submit an administratively complete final report for Incident No. 126966.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: NSR 2708A, Special Condition 1 PA  
NSR 3390A, Special Condition 1 PA

Description: Failed to prevent unauthorized emissions during Incident No. 126966.

#### **B. Criminal convictions:**

N/A

#### **C. Chronic excessive emissions events:**

N/A

#### **D. The approval dates of investigations (CCEDS Inv. Track. No.):**

Item 1	February 25, 2008	(672070)
Item 2	March 25, 2008	(672071)
Item 3	April 01, 2008	(639935)
Item 4	April 17, 2008	(689998)
Item 5	April 28, 2008	(653240)
Item 6	May 19, 2008	(689999)
Item 7	May 20, 2008	(670835)
Item 8	May 27, 2008	(657010)
Item 9	May 29, 2008	(657015)
Item 10	June 04, 2008	(642002)
Item 11	June 17, 2008	(636408)
Item 12	June 20, 2008	(690000)
Item 13	August 20, 2008	(710775)
Item 14	September 22, 2008	(710776)
Item 15	October 16, 2008	(705092)
Item 16	October 20, 2008	(727516)
Item 17	October 21, 2008	(702325)
Item 18	November 20, 2008	(727514)
Item 19	December 05, 2008	(708653)
Item 20	December 22, 2008	(727515)
Item 21	December 23, 2008	(721416)
Item 22	February 12, 2009	(750304)

**Published** Compliance History Report for CN600127922, RN102555166, Rating Year 2012 which includes Compliance History (CH) components from February 21, 2008, through February 21, 2013.

Item 23	February 26, 2009	(709542)
Item 24	March 12, 2009	(736356)
Item 25	March 18, 2009	(750305)
Item 26	April 16, 2009	(768394)
Item 27	May 01, 2009	(739330)
Item 28	May 21, 2009	(768395)
Item 29	June 22, 2009	(679939)
Item 30	July 03, 2009	(749313)
Item 31	July 09, 2009	(761190)
Item 32	July 20, 2009	(804751)
Item 33	August 24, 2009	(763946)
Item 34	August 27, 2009	(767703)
Item 35	August 28, 2009	(765992)
Item 36	September 21, 2009	(776158)
Item 37	October 16, 2009	(779324)
Item 38	October 19, 2009	(779595)
Item 39	October 21, 2009	(804754)
Item 40	October 27, 2009	(776874)
Item 41	November 12, 2009	(779541)
Item 42	November 20, 2009	(804755)
Item 43	December 11, 2009	(785177)
Item 44	December 22, 2009	(786419)
Item 45	January 22, 2010	(804757)
Item 46	January 29, 2010	(790053)
Item 47	February 03, 2010	(788039)
Item 48	February 22, 2010	(804749)
Item 49	February 26, 2010	(792738)
Item 50	March 16, 2010	(795207)
Item 51	March 18, 2010	(830919)
Item 52	March 31, 2010	(794637)
Item 53	April 19, 2010	(830920)
Item 54	May 14, 2010	(845061)
Item 55	June 18, 2010	(801358)
Item 56	June 21, 2010	(846280)
Item 57	June 22, 2010	(825672)
Item 58	July 22, 2010	(860876)
Item 59	August 13, 2010	(830417)
Item 60	August 17, 2010	(787848)
Item 61	September 07, 2010	(857553)
Item 62	September 27, 2010	(864773)
Item 63	October 15, 2010	(869959)
Item 64	November 04, 2010	(870551)
Item 65	November 10, 2010	(869957)
Item 66	December 08, 2010	(873338)
Item 67	December 16, 2010	(896254)
Item 68	January 14, 2011	(891528)
Item 69	January 18, 2011	(902317)
Item 70	February 11, 2011	(909097)
Item 71	February 28, 2011	(899543)
Item 72	March 14, 2011	(916355)
Item 73	April 06, 2011	(908526)
Item 74	April 18, 2011	(924825)
Item 75	April 29, 2011	(913511)
Item 76	May 12, 2011	(938039)
Item 77	July 07, 2011	(935718)
Item 78	July 15, 2011	(952636)
Item 79	July 19, 2011	(934382)
Item 80	August 18, 2011	(936284)
Item 81	August 22, 2011	(959317)
Item 82	September 16, 2011	(965350)

**Published** Compliance History Report for CN600127922, RN102555166, Rating Year 2012 which includes Compliance History (CH) components from February 21, 2008, through February 21, 2013.



Item 83	October 24, 2011	(971390)
Item 84	October 26, 2011	(963352)
Item 85	November 16, 2011	(977549)
Item 86	January 06, 2012	(971153)
Item 87	January 12, 2012	(974172)
Item 88	January 19, 2012	(990617)
Item 89	February 13, 2012	(997978)
Item 90	February 28, 2012	(983263)
Item 91	March 15, 2012	(1003505)
Item 92	March 26, 2012	(994372)
Item 93	March 30, 2012	(989363)
Item 94	April 18, 2012	(1010067)
Item 95	May 21, 2012	(1016461)
Item 96	June 19, 2012	(1013228)
Item 97	July 16, 2012	(1031576)
Item 98	July 26, 2012	(1021036)
Item 99	August 13, 2012	(1037953)
Item 100	September 17, 2012	(1046686)
Item 101	September 18, 2012	(1029501)
Item 102	October 09, 2012	(1030768)
Item 103	November 15, 2012	(1044185)

#### E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1      Date:      05/31/2012      (1024182)      CN600127922  
Self Report?   YES      Classification:      Moderate  
Citation:      2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description:      Failure to meet the limit for one or more permit parameter
  
- 2      Date:      11/27/2012      (1035987)      CN600127922  
Self Report?   NO      Classification:      Moderate  
Citation:      30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(ii)  
40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.193(e)(1)(iii)  
Description:      Failed to maintain secondary containment for external liner system free of cracks or gaps.  
Self Report?   NO      Classification:      Moderate  
Citation:      30 TAC Chapter 305, SubChapter F 305.125  
PP. II.A.2. Duty to Comply PERMIT  
V.A.1. Authorized Units. PERMIT  
Description:      Failed to clearly identify all authorized units with signage indicating "TCEQ PERMIT UNIT No.\_".  
Self Report?   NO      Classification:      Moderate  
Citation:      30 TAC Chapter 305, SubChapter F 305.125  
30 TAC Chapter 335, SubChapter J 335.329(b)(5)  
PP. II. A. 2. Duty to Comply PERMIT  
PP. II.A.12.e. Waste Management Fee PERMIT  
Description:      Failed to submit monthly reports of on-site waste management activities subject to the assessment of waste management fees on forms furnished or provided by the executive director by the 25th day following the end of the month (or quarter) for which the reports is made.

#### F. Environmental audits:

- Notice of Intent Date:      07/29/2010      (849254)  
No DOV Associated
- Notice of Intent Date:      09/17/2010      (870779)  
No DOV Associated
- Notice of Intent Date:      09/15/2010      (870782)  
No DOV Associated

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITGO REFINING AND CHEMICALS  
COMPANY L.P.  
RN102555166

§  
§  
§  
§  
§  
§

BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2013-0411-AIR-E

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding CITGO Refining and Chemicals Company L.P. ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

### I. FINDINGS OF FACT

1. The Respondent owns and operates a petroleum refinery at 1801 Nueces Bay Boulevard in Corpus Christi, Nueces County, Texas (the "Plant").

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During a record review conducted on October 2, 2012, TCEQ staff documented that the Respondent released 1,585.02 pounds ("lbs") of sulfur dioxide and 57.09 lbs of hydrogen sulfide from the East Plant Sulfur Recovery Unit Incinerator during an emissions event (Incident No. 166840) that started on March 24, 2012 and lasted 2 hours. The emissions event occurred when a rupture disk failed and allowed gases to bypass the Sulfur Recovery's Shell Claus Offgas Treatment and enter the incinerator. The TCEQ has determined that the emissions event was not properly reported.
4. During a record review conducted on October 2, 2012, TCEQ staff documented that Incident No. 166840 was discovered on March 24, 2012 at 8:40 p.m. and was not reported until April 5, 2012 at 12:09 p.m.
5. The Respondent received notice of the violations on February 12, 2013.

## II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to prevent unauthorized emissions, in violation of Federal Operating Permit ("FOP") No. 01423, Special Terms and Conditions No. 31, New Source Review Permit No. 3119A, Special Conditions No. 1, 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since this emission event was not properly reported, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
2. As evidenced by Findings of Fact No. 4, the Respondent failed to report Incident No. 166840 with 24 hours after discovery, in violation of FOP No. 01423, Special Terms and Conditions No. 2.F., 30 TEX. ADMIN. CODE §§ 101.201(a)(1)(B) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b).
3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of Eight Thousand Dollars (\$8,000) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid the Eight Thousand Dollar (\$8,000) administrative penalty.

### III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Eight Thousand Dollars (\$8,000) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: CITGO Refining and Chemicals Company L.P., Docket No. 2013-0411-AIR-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order:
    - i. Implement measures and procedures to prevent the recurrence of emissions events due to similar causes as Incident No. 166840; and
    - ii. Implement measures and procedures to ensure emissions events are properly reported.
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Air Section Manager  
Corpus Christi Regional Office  
Texas Commission on Environmental Quality  
6300 Ocean Drive, Suite 1200  
Corpus Christi, Texas 78412-5503

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

8. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

  
For the Executive Director

9/18/13  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of CITGO Refining and Chemicals L.P. I am authorized to agree to the attached Agreed Order on behalf of CITGO Refining and Chemicals L.P., and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, CITGO Refining and Chemicals L.P. waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

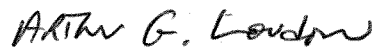
I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
Signature

6/5/13  
Date

  
Name (Printed or typed)  
Authorized Representative of  
CITGO Refining and Chemicals Company L.P.

V.P. Refining  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.